

REMARKS

Claims 1-61 are pending and stand rejected. In response, claims 1, 11, 17, 36-39, 41-43, and 45-48 are amended, claims 15, 16, 18, 19, and 51-61 are canceled, and claims 62-64 are added. Claims 1-14, 17, 20-50, and 62-64 are pending upon entry of this amendment.

35 U.S.C. § 101 Rejections

Claims 51 and 52 stand rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. These claims are now canceled.

35 U.S.C. § 112 Rejections

Claims 60 and 61 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, Examiner states that the term “substantially” in claim 60 is a relative term which renders the claim indefinite. Claim 61 is rejected for depending from a rejected base claim.

Claims 60 and 61 are canceled. New claim 62 resembles claim 60, except that it recites that the node, specification, and messages are “at least in part” written in XML. Applicants submit that claim 62 complies with § 112, second paragraph.

35 U.S.C. § 102 Rejections

Claims 1-50, 53, and 57-61 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Bowman-Amuah (Pat. No. US 6,601,234). Applicants respectfully traverse this rejection as applied to the amended claims.

The independent claims recite a way to create an application for executing on at least one machine having a memory. Claim 1, for example, recites a method comprising:

creating a definition of at least one node and a specification which are held in at least one machine readable data file;
the specification defining **how the at least one node can interact** with other nodes, **resources useable** by the at least one node, at least one set of **predetermined rules** to be used by the node for processing data and **messages** that can be passed between nodes such that the node is capable of receiving messages in any format which can trigger a rule if predetermined data is present...

Claim 1 thus states that the specification provides a definition for the at least one node which defines: i) how the node can interact with other nodes; ii) resources useable by the at least one node; and iii) at least one set of predetermined rules to be used by the node for processing data and messages that can be passed between nodes such that the node is capable of receiving messages in any format which can trigger a rule if predetermined data are present. Claim 36 and the other independent claims recite similar features.

Bowman-Amuah, in contrast, does not teach a method of creating an application. Nor does Bowman-Amuah teach a node defined in the claimed manner which will subsequently process data in any format which is sent to it. Rather, the cited reference teaches a system and method for controlling access to data of a business object via an attribute dictionary.

Bowman-Amuah's system uses a Network-Based computing system (often referred to as a NetCentric Architecture). The analogy drawn by the Examiner equates the claimed node with hardware elements in the NetCentric system. However, these hardware elements lack the characteristics of the node described by the amended claims.

Moreover, the rejection inconsistently equates different aspects of Bowman-Amuah's system with the claimed node. Many of the paragraphs of the reference relied upon by the Examiner in the Office Action refer to the Netcentric Architecture Framework (e.g. Col. 31, lines 52-54) in which an application (which has been pre-written) is run across a plurality of servers.

Other paragraphs relied upon by the Examiner refer to an Object Oriented System (e.g. col. 123, lines 50-53). As such the Examiner is improperly combining disparate paragraphs and teachings to support the rejection. It is inequitable to liken a node to one thing (e.g. a software Object) in one place and to another thing (e.g. a hardware server) in another place and then to combine these paragraphs as if the definitions were the same. Moreover, as the Examiner will appreciate, an Object in a Object Oriented language must accept data in a predetermined format and as such the passages relied upon by the Examiner which reference Objects do not show the claimed features.

Accordingly, Applicants respectfully submit that these claims are not anticipated by the cited reference.

35 U.S.C. § 103 Rejection

Canceled claims 51-52 and 54-56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bowman-Amuah in view of Kuznetsov et al. (Pub No. US 2006/0265689). Applicants respectfully submit that Kuznetsov does not remedy the deficiencies of Bowman-Amuah described above. Kuznestov teaches a markup language processing device that transforms data in a markup language from a first format to a second format before transmission to a recipient device. Thus, Kuznestov in no way teaches or suggests a method or system for creating an application as claimed. For at least this reason, Applicants submit that a person of ordinary skill in the art, considering the teachings of the cited references either alone or in combination, would not find the claimed invention obvious.

Applicants submit that the claims are patentable for the reasons described above.

Accordingly, Applicants request that the Examiner allow the application and pass it to issue.

The Examiner is invited to contact the undersigned to advance the prosecution of this case.

Respectfully submitted,
ABDUL KAYAM ET AL.

Dated: July 9, 2007

By: /Brian Hoffman/
Brian M. Hoffman, Reg. No. 39,713
Attorney for Applicant
Fenwick & West LLP
801 California Street
Mountain View, CA 94041
Tel.: (415) 875-2484
Fax: (415) 281-1350